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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

|                        |  |
|------------------------|--|
| Attorney Docket No.    | 12781/   |
| First Inventor         | Lowry, S.  |
| Title                  | Method And System For Controlling Mixing Processes |
| Express Mail Label No. | EV 316331365 US                                    |

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 29]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]  
[Total Sheets 2]
5. Oath or Declaration
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. 3.73(b) Statement of Attorney (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Transmittal of Application under 37 CFR 1.41: Check No. 342154 in the amount of \$822.00

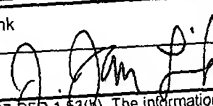
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09 / 852,534

Prior application information: Examiner Yeung, G. Art Unit: 1761

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

|  |   |  |                    |
|--|---|--|--------------------|
| <input type="checkbox"/> Customer Number |   | <input checked="" type="checkbox"/> Correspondence address below |                    |
| Name                                     | J. Jason Link, Esq.<br>Kilpatrick Stockton, LLP                                     |  |                    |
| Address                                  | 1001 West Fourth Street   |  |                    |
| City                                     | Winston-Salem   | State  | NC                 |
| Country                                  | USA   | Zip Code   | 27101              |
| Telephone                                | 336-607-7443  | Fax  | 336-607-7500       |
| Name (Print/Type)                        | J. Jason Link   | Registration No. (Attorney/Agent)                                | 44,874             |
| Signature                                |  | Date   | September 24, 2003 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

22141 U.S. PTO  
10/670450  
09/24/03

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 822

Complete if Known

|                      |                    |
|----------------------|--------------------|
| Application Number   | To be Assigned     |
| Filing Date          | September 24, 2003 |
| First Named Inventor | Lowry, S.          |
| Examiner Name        | To be Assigned     |
| Art Unit             | To be Assigned     |
| Attorney Docket No.  | 12781/             |

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☒ Deposit Account:

Deposit Account Number 16-1435

Deposit Account Name Kilpatrick Stockton, LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 750      | 2001         | 375      | Utility filing fee     | 750      |
| 1002         | 330      | 2002         | 165      | Design filing fee      |          |
| 1003         | 520      | 2003         | 260      | Plant filing fee       |          |
| 1004         | 750      | 2004         | 375      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |
| SUBTOTAL (1) |          |              |          |                        | (\$ 750  |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    |    |        |   |   |   |    |   |    |
|--------------------|----|--------|---|---|---|----|---|----|
| Total Claims       | 24 | -20 ** | = | 4 | X | 18 | = | 72 |
| Independent Claims | 1  | -3 **  | = | 0 | X | 80 | = | 0  |
| Multiple Dependent |    |        |   |   | X |    | = | 0  |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 84       | 2201         | 42       | Independent claims in excess of 3                          |
| 1203         | 280      | 2203         | 140      | Multiple dependent claim, if not paid                      |
| 1204         | 84       | 2204         | 42       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 72

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for reexamination                                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 410      | 2252         | 205      | Extension for reply within second month                                    |          |
| 1253         | 930      | 2253         | 465      | Extension for reply within third month                                     |          |
| 1254         | 1,450    | 2254         | 725      | Extension for reply within fourth month                                    |          |
| 1255         | 1,970    | 2255         | 985      | Extension for reply within fifth month                                     |          |
| 1401         | 320      | 2401         | 160      | Notice of Appeal   |          |
| 1402         | 320      | 2402         | 160      | Filing a brief in support of an appeal                                     |          |
| 1403         | 280      | 2403         | 140      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,300    | 2453         | 650      | Petition to revive - unintentional   |          |
| 1501         | 1,300    | 2501         | 650      | Utility issue fee (or reissue)   |          |
| 1502         | 470      | 2502         | 235      | Design issue fee   |          |
| 1503         | 630      | 2503         | 315      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17 (q)                                       |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 750      | 2809         | 375      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 750      | 2810         | 375      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 750      | 2801         | 375      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0

## SUBMITTED BY

|                   |               |                                   |                    |           |              |
|-------------------|---------------|-----------------------------------|--------------------|-----------|--------------|
| Name (Print/Type) | J. Jason Link | Registration No. (Attorney/Agent) | 44,874             | Telephone | 336-607-7443 |
| Signature         |               | Date                              | September 24, 2003 |           |              |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

## EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number: EV 316331365 US

Date of Deposit: September 24, 2003

Type of Document(s): Utility Patent Application Transmittal;  
Specification (29 pages, including 1page abstract);  
3 Sheets of Formal Drawings;  
Preliminary Amendment;  
Declaration and Power of Attorney from Parent Application (U.S. Patent App. Ser. No. 09/852,534);  
Transmittal of Application Number 37 CFR 1.41(c);  
Form PTO-1449 (including copies of 4 references);  
Information Disclosure Statement (in duplicate);  
Fee Transmittal for FY 2003(duplicate);  
Check No. 342154 for \$822.00; and  
Return Postcard

Serial No.: Unassigned

Date Filed: Herewith

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Robin Leigh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stan LOWRY, Garcie McCALL, and Richard B. BATTE  
Serial No. : Unassigned  
Filing Date : Herewith  
For : METHOD AND SYSTEM FOR CONTROLLING  
MIXING PROCESSES

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF APPLICATION UNDER 37 CFR 1.41(c)**

Sir:

The undersigned attorney hereby makes application for U.S. Letters Patent on behalf of Applicants, Stan Lowry, Garcie McCall, and Richard B. Batte, whose addresses and citizenships are as follows:

| <u>Inventor</u>  | <u>Address</u>                                     | <u>Citizenship</u> |
|------------------|--|--------------------|
| Stanley N. Lowry | 320 Barrington Park Lane<br>Kernersville, NC 27284 | USA                |
| Garcie M. McCall | 9000 Redbank Road<br>Germanton, NC 27019           | USA                |
| Richard B. Batté | 4374 Warner Road<br>Pfafftown, NC 27040            | USA                |

Applicants hereby claim priority under 35 USC §120 to U.S. Patent Application Serial No. 09/852,534, filed May 10, 2001, which is incorporated in full by reference, and which claims the benefit of and incorporates in full by reference U.S. Provisional Patent Application Serial No. 60/203,362, filed May 10, 2000, entitled "Method and System for Controlling the Mixing Process of a Subject Product."

Applicants have submitted herewith a copy of a signed declaration from U.S. Patent Application Serial No. 09/852,534, which is presently being submitted for the attached application.

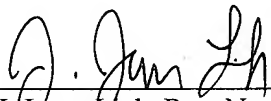
Please address all correspondence and telephone calls in connection with this application to:

J. Jason Link, Esq.  
Kilpatrick Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
(336) 607-7300 (phone)  
(336) 734-2622 (facsimile)

Respectfully submitted,

Date:

September 24, 2003

  
\_\_\_\_\_  
J. Jason Link, Reg. No. 44,874

KILPATRICK STOCKTON LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
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